

PATENT Docket No. 564682000100

CERTIFICATE OF HAND DELIVERY

I hereby certify that this correspondence is being hand filed with the United States Patent and Trademark Office in Alexandria, VA, on April 28, 2004.

Diana L. Gidish

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Lutz BIEDERMANN et al.

Serial No.:

10/763,431

Filing Date:

January 22, 2004

For:

BONE SCREW

Examiner: Not Yet Assigned

Group Art Unit: 3732

<u>INFORMATION DISCLOSURE STATEMENT</u> <u>UNDER 37 CFR 1.97 & 1.98</u>

Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450

Sir:

Pursuant to 37 CFR 1.97 and 1.98, Applicants submit for consideration in the above-identified application the documents listed on the attached Form PTO-1449. Copies of the documents are also submitted herewith. The Examiner is requested to make these documents of record.

This Information Disclosure Statement is submitted within three months of the filing date of this application or before the mailing of the first Office Action on the merits; accordingly, no fee is required.

Applicants would appreciate the Examiner initialing and returning the Form PTO-1449, indicating that the information has been considered and made of record herein.

The information contained in this Information Disclosure Statement under 37 CFR 1.97 is not to be construed as a representation that: (i) a complete search has been made; (ii) additional information material to the examination of this application does not exist; (iii) the information, protocols, results and the like reported by third parties are accurate or enabling; or (iv) the above information constitutes prior art to the subject invention.

In the event that the transmittal letter is separated from this document and the Patent and Trademark Office determines that an extension and/or other relief is required, applicants petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952**, referencing <u>564682000100</u>.

Dated: April 28, 2004

Respectfully submitted,

By:∠

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PTO/SB/08 (2-92) Sheet 1 of 3

Form PTO-1449

INFORMATION DISCLOSURE CITATION IN AN APPLICATION

(Use several sheets if necessary)

Docket Number: 564682000100 Application Number: 10/763,431

Applicant

Lutz BIEDERMANN et al.

Filing Date: January 22, 2004

Group Art Unit: 3732

Mailing Date: April 27, 2004

U.S. PATENT DOCUMENTS

Examiner Initials	Ref. No.	Date	Document No.	Name	Class	Subclass	Filing Date If Appropriate
	1.	11/27/1984	4,484,570	Sutter et al.			
	2.	02/11/1989	4,805,602	Puno et al.			,
	3.	08/07/1990	4,946,458	Harms et al.			
	4.	07/14/1992	5,129,388	Vignaud et al.			
	5.	01/05/1993	5,176,678	Tsou			
	6.	03/02/1993	5,190,543	Schlapfer			
	7.	05/04/1993	5,207,678	Harms et al.			
	8.	06/08/1993	5,217,497	Mehdian			-
	9.	09/21/1993	5,246,442	Ashman et al.			-
	10.	10/19/1993	5,253,406	Shere et al.			
	11.	09/06/1994	5,344,422	Frigg			
	12.	11/01/1994	5,360,431	Puno et al.			
	13.	08/08/1995	5,439,381	Cohen			
	14.	08/22/1995	5,443,467	Biedermann et al.			
	15.	11/14/1995	5,466,237	Byrd, III et al.			
	16.	12/12/1995	5,474,555	Puno et al.			
	17.	12/19/1995	5,476,464	Metz-Stavenhagen et al.			
	18.	03/05/1996	5,496,321	Puno et al.	,	•	
	19.	07/02/1996	5,531,746	Errico et al.			
	20.	08/27/1996	5,549,608	Errico et al.			
•	21.	09/10/1996	5,554,157	Errico et al.			
	22.	12/17/1996	5,584,831	McKay			
	23.	12/24/1996	5,586,984	Errico et al.			
	24.	01/07/1997	5,591,166	Bernhardt et al.			
	25.	03/11/1997	5,609,593	Errico et al.			
	26.	07/15/1997	5,647,873	Errico et al.			
	27.	09/23/1997	5,669,911	Errico et al.			

EXAMINER:

DATE CONSIDERED:

EXAMINER: Initial if citation considered, whether or not the citation conforms with MPEP 609. Draw a line through the citation if not in conformance and not considered. Include a copy of this form with next communication to applicant.

PTO/SB/08 (2-92) Sheet 2 of 3

Docket Number: 564682000100 Application Number: 10/763,431 Form PTO-1449 Applicant INFORMATION DISCLOSURE CITATION Lutz BIEDERMANN et al. IN AN APPLICATION Filing Date: January 22, 2004 Group Art Unit: 3732 (Use several sheets if necessary) Mailing Date: April 27, 2004 Biedermann et al. 09/30/1997 5,672,176 28. 29. 11/25/1997 5,690,630 Errico et al. 5,725,527 Biedermann et al. 30. 03/10/1998 31. 03/10/1998 5,725,528 Errico et al. 32. 03/31/1998 5,733,285 Errico et al. Errico et al. 33. 03/31/1998 5,733,286 34. 04/07/1998 5,735,850 Baumgartner et al. 35. 05/19/1998 5,752,957 Ralph et al. 36. 5,797,911 Sherman et al. 08/25/1998 37. Errico et al. 09/22/1998 5,810,818 38. 02/23/1999 5,873,878 Harms et al. Sherman et al. 39. 03/09/1999 5,879,350 03/16/1999 5,882,350 Ralph et al. 40. 03/23/1999 Sherman et al. 41. 5,885,286 42. 04/06/1999 5,891,145 Morrison et al. 43. 09/07/1999 5,946,988 Metz-Stavenhagen 44. 09/14/1999 5,951,533 Freeman 45. 12/07/1999 5,997,539 Errico et al. 46. 02/29/2000 6,030,389 Wagner et al. 47. 04/25/2000 6,053,917 Sherman et al. 48. 05/16/2000 6,063,089 Errico et al. 49. 05/16/2000 6,063,090 Schläpfer 50. 06/13/2000 6,074,391 Metz-Stavenhagen et al. 51. 06/20/2000 6,077,262 Schläpfer et al. 52. 07/18/2000 6,090,110 Metz-Stavenhagen 53. 07/18/2000 6,090,111 **Nichols** 54. 09/05/0000 6,113,601 Tatar 55. 08/28/2001 6,280,442 Barker et al. 56. 04/04/1995 5,403,314 Currier 57. 04/07/1998 5,735,852 Amrein et al. 58. 6,443,953 Perra et al. 09/03/2002 DATE CONSIDERED: **EXAMINER:** EXAMINER: Initial if citation considered, whether or not the citation conforms with MPEP 609. Draw a line through the citation if not in conformance and not considered. Include a copy of this form with next communication to applicant.

Form PTC)-1449			Docket Number: 56468	Docket Number: 564682000100			Application Number: 10/763,431		
INFOI			SURE CITATION	Applicant	Lutz BIEDERMANN et al.					
		AN APPLIC								
•	(Us	lse several sheets if r	necessary)	Filing Date: January 22		Group Art Unit: 3732				
				Mailing Date: April 27,	, 2004					
	T 50	T 10/05/0001	2001/0024502 41	T/						
	59.	10/25/2001	2001/0034522 A1	Frigg						
	60.	12/04/2001	6,325,802	Frigg		<u></u>				
			FOREIGN PA	ATENT DOCUMEN	NTS					
Examiner Initials	Ref. No.	Date	Document No.	Country	Class	Subclass	Transl YES	lation NO		
	61.	05/15/1997	DE 195 42 116 A1	Germany			X			
	62.	12/23/1996	EP 0 885 598 A2	Europe			N/A			
	63.	06/02/1988	WO 88/03781 /	WIPO			Abstract			
	64.	08/13/1998	WO 98/34554	WIPO			N/A			
	65.	07/05/2001	WO 01/47425	WIPO			N/A			
Examiner Initials	Ref. No.	Title								
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